

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF SOUTH CAROLINA, GREENVILLE DIVISION**

---

DAVID PILL, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

SPAN-AMERICA MEDICAL SYSTEMS,  
INC., THOMAS D. HENRION, JAMES D.  
FERGUSON, RICHARD C. COGGINS,  
ROBERT H. DICK, THOMAS F. GRADY,  
JR., DAN R. LEE, DR. LINDA D.  
NORMAN, TERRY ALLISON RAPPUHN,  
THOMAS J. SULLIVAN, SAVARIA  
CORPORATION, and SAVARIA (SC), INC.

Defendants.

---

Civil Action No. 6:17-cv-01375-MGL

**STIPULATION AND ORDER CLOSING AND  
TERMINATING THE ACTIONS**

WHEREAS, on July 11, 2017, the Court entered an Order dismissing without prejudice the complaint in the above-captioned action and retaining jurisdiction solely for considering any application for an award of attorneys' fees and expenses;

WHEREAS, the parties have reached agreement with respect to payment of attorneys' fees and expenses, in full satisfaction of any claims for attorneys' fees or expenses in the above-captioned action or in any of the following related actions: *Berger v. Span-America Medical Systems, Inc., et al.*, C.A. No. 6:17-cv-01399-MGL (D.S.C.), or *Porter v. Span-America Medical Systems, Inc. et al.*, C.A. No. 6:17-cv-01357-MGL (D.S.C.);

There being no further issue for the Court to consider, the Court, at the request of the parties, hereby issues the following order:

1. The above-captioned action is terminated and administratively closed, with the Court no longer retaining jurisdiction to consider any application for an award of attorneys' fees and expenses.

Dated: September 5, 2017

**CULBERTSON LAW OFFICE, LLC**

s/ Hannah Rogers Metcalfe  
Manning Y. Culbertson, Fed. ID: 5156  
707 E. North Street  
Greenville, SC 29601  
Tel: (864) 233-8282  
Email: [mculbertson@myclawyer.com](mailto:mculbertson@myclawyer.com)

Hannah Rogers Metcalfe, Fed. ID: 9943  
METCALFE & ATKINSON, LLC  
9 Toy Street  
Greenville, SC 29601  
Tel: (864) 214-2319  
Email: [hmetcalfe@malawfirm.com](mailto:hmetcalfe@malawfirm.com)

Carl L. Stine (*pro hac* motion to be filed)  
Robert S. Plosky (*pro hac* motion to be filed)  
**WOLF POPPER LLP**  
845 Third Avenue  
Tel: (212) 759-4600  
Fax: (212) 486-2093  
Email: [cstine@wolfpopper.com](mailto:cstine@wolfpopper.com)  
[rplosky@wolfpopper.com](mailto:rplosky@wolfpopper.com)

*Counsel for Plaintiff*

**WYCHE P.A.**

Dated: September 5, 2017

By: /s/ Wallace K. Lightsey  
Wallace K. Lightsey (D.S.C. Bar. No. 1037)  
Eric K. Graben (D.S.C. Bar No. 7344)  
44 East Camperdown Way  
Greenville, South Carolina 29601  
Telephone: (864) 242-8200  
Facsimile: (864) 235-8900  
Email: [wlightsey@wyche.com](mailto:wlightsey@wyche.com)

egraben@wyche.com

*Of Counsel:*

**COOLEY LLP**

Peter Adams (Cal. Bar No. 243926)  
Koji Fukumura (Cal Bar No. 189719)  
4401 Eastgate Mall  
San Diego, CA 92121-1909  
Telephone: (858) 550-6059  
Facsimile: (858) 550-6420  
Email: padams@cooley.com  
kfukumura@cooley.com

*Counsel for Defendants*

SO ORDERED this 6<sup>th</sup> day of September, 2017

s/Mary Geiger Lewis

---

THE HONORABLE MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE